

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

CONCORD MANAGEMENT AND
CONSULTING LLC,

Defendant.

Crim. No. 18-CR-32-2 (DLF)

FILED UNDER SEAL

**GOVERNMENT'S RESPONSE REGARDING THE UNSEALING OF ORDERS,
HEARING TRANSCRIPTS, AND PLEADINGS RELATED TO DEFENDANT
CONCORD'S MOTION TO SHOW CAUSE**

The United States of America respectfully submits this response to the Court's Order denying the motion for an order to show cause filed by defendant Concord Management and Consulting LLC. In the Court's Order, the Court gave the government leave to file any objections to Concord's request to unseal (1) the May 28, 2019 hearing transcript, Dkt. 144; (2) the Court's May 29, 2019 Order, Dkt. 137; (3) the parties' supplemental briefs, Dkts. 139, 140, 142, and 143; and (4) the Court's July 1, 2019 Memorandum Opinion and Order. The government initially shared the Court's concern that making the proceedings and pleadings on this issue public could exacerbate any risk of prejudice by potentially generating publicity on the very matters alleged in Concord's motion to have been prejudicial, see 5/28/19 Tr. 26, 35-36. However, in light of the fact that Concord itself has petitioned the Court to unseal these matters, and given that any prejudice can be fully and adequately addressed through careful voir dire questioning and jury instructions, *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1055 (1991) (plurality opinion), the government is withdrawing its opposition to unsealing.

WHEREFORE, the government has no objection to the Court's unsealing of (1) the May 28, 2019 hearing transcript, Dkt. 144; (2) the Court's May 29, 2019 Order, Dkt. 137; (3) the parties' supplemental briefs, Dkts. 139, 140, 142, and 143; and (4) the Court's July 1, 2019 Memorandum Opinion and Order.

Respectfully submitted,

JOHN C. DEMERS
Assistant Attorney General for National Security

By: _____/s/
Heather N. Alpino
U.S. Department of Justice
National Security Division
950 Pennsylvania Ave. NW
Washington, D.C. 20530
Telephone: (202) 514-2000

JESSIE K. LIU
United States Attorney

By: _____/s/
Jonathan Kravis
Deborah Curtis
Kathryn Rakoczy
555 Fourth Street NW
Washington, D.C. 20530
Telephone: (202) 252-6886

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2019, I caused a copy of the foregoing motion to seal to be transmitted to Katherine Seikaly and Eric Dubelier, counsel of record for Concord Management and Consulting LLC, via email.

By: _____/s/
Kathryn Rakoczy
Assistant United States Attorney
555 Fourth Street NW
Washington D.C. 20530